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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,385	07/01/2003	Christopher R. Castellano	4915	1528

48226 7590 04/18/2008
BASF CATALYSTS LLC
100 CAMPUS DRIVE
FLORHAM PARK, NJ 07932

EXAMINER

JOHNSON, EDWARD M

ART UNIT	PAPER NUMBER
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1793

NOTIFICATION DATE	DELIVERY MODE
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04/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/611,385	Applicant(s) CASTELLANO ET AL.	
	Examiner Edward M. Johnson	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. US 5,959,297.

Regarding claim 1, Weinberg '297 discloses a method for screening diverse arrays of materials comprising forming and testing a substrate sheet of a library of samples, wherein the components are present in a concentration gradient in the shape of a triangle (Example 1).

Weinberg '297 fails to disclose a concentration gradient.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a concentration gradient in the method of Weinberg because Weinberg discloses the components present in varying concentrations (column 4, lines 10-32 and Example 1). It would have been further obvious to test the varying concentrations separately by removing

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portions less than the whole so as not to mix the samples and results of different concentrations and avoid cross contamination. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to have a concentration gradient because identical concentrations are not disclosed, which would at least suggest some variation of concentration over a gradient to an ordinarily skilled artisan.

Regarding claims 4-6, Weinberg '297 discloses the catalyst composite samples on the sheet (Example 1) and it would have been within the purview of an ordinarily skilled artisan to cut or remove the samples from the sheet as necessary, depending on the type of samples and test.

Regarding claims 7 and 9, Weinberg '297 discloses liquid samples (Example 1).

Regarding claim 8, Weinberg '297 discloses precipitates and particles (column 9, lines 45-65), which would at least suggest a slurry in the disclosed solution to an ordinarily skilled artisan.

Regarding claim 10, Weinberg discloses screening and microcontact printing (see abstract and column 11, lines 4-15).

Regarding claims 11-13, Weinberg discloses organic and inorganic catalyst libraries (see column 12, lines 38-67).

Regarding claims 14-16, 27-28, and 37-42, Weinberg discloses porous alumina and a wide variety of materials including silica-based materials and metals (see column 9, lines 45-67), which would at least suggest cordierite to one having an ordinary skill level.

Regarding claims 17-22, 26, 29-33, and 37-42 Weinberg discloses an 11x11x11 triangle gradient (Example 1 and Figures), and it would have been obvious to one of ordinary skill to determine an optimum gradient with respect to the apex thereof through routine experimentation.

Regarding claims 23-25 and 34-36, Weinberg discloses catalysts (System A).

Response to Arguments

Applicant's arguments filed 9/4/07 have been fully considered but they are not persuasive.

It is argued throughout that claim 1 has been amended to more clearly define the invention. This is not persuasive because it would have been obvious to test the varying concentrations separately by removing portions less than the whole so as not to mix the samples and results of different concentrations and avoid cross contamination. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to have a concentration gradient because

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identical concentrations are not disclosed, which would at least suggest some variation of concentration over a gradient to an ordinarily skilled artisan.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward M. Johnson whose telephone number is 571-272-1352. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward M. Johnson/
Primary Examiner
Art Unit 1793

EMJ